

FILED

MAR 06 2019

**IN THE UNITED STATES DISTRICT COURT
WESTERN DIVISION OF TEXAS
WACO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

ROBERT DAVILA

CASE NO. W19CA194

V.S.

JURY TRIAL DEMANDED

SOUTHWESTERN CORRECTIONS

D.B.A.

LASALLE CORRECTIONS

LT. C ROWE, SGT. R MILLS, OFFICER R. PLYES, OFFICER ? PREFONTAINE.
(Pyles)

OFFICER ? MASON, OFFICER ? AYLAYA (proper spelling)
(Ayala)

CIVIL RIGHTS COMPLAINT

JURISDICTION

1.

THIS is a Civil Rights Compliant made pursuant to Title 42 USC Sections 1983, 1985, & 1986. This Honorable Court has jurisdiction over this case pursuant to Title 28 USC Sections 1331 & 1343 (a). This Honorable Court can also exercise supplemental jurisdiction under Title 28 USC Section 1376, & provide in this case declaratory relief pursuant to Title 28 USC Sections 2201 & 2202.

VENUE

2.

AT all pertinent times the contours of the Plaintiffs Compliant giving cause

to this action occurred in the Waco,Texas McLennan County, & this Honorable Court is the appropriate venue pursuant Title 28 USC Section 1391.

EXHAUSTION

3.

EXHAUSTION requirements have not been pursued by the Plaintiff in this Civil Action because of fear of retaliation in this Civil Action because of the fear of retaliation for exercising his Constitutional Rights.

PARTIES

4.

ALL parties are named in their official & individual capacities.

**A.) SOUTHWESTERN CORRECTIONS D.B.A. LASALLE CORRECTIONS
3101 EAST MARLIN HIGHWAY WACO, TEXAS 76705**

Fails to implement policy & practice that prevents its agents from violating both State & Federal Constitutional Due Course, & Due Process Of Law mandates afforded to pretrial detainees that protect against agents of LASALLE being deliberately indifferent & or grossly negligent to the medical needs of detainees.

B.) LT. C. ROWE, SGT. R. MILLS, OFFICER R.PLYES, OFFICER ?

PREFONTAINE, OFFICER ? MASON, OFFICER ? AYLAYA, UNKNOWN

OFFICERS. 3101 EAST MARLIN HIGHWAY WACO, TEXAS 76705.

Committed acts of Excessive Force, as well as acts of being deliberately indifferent & or grossly negligent to the medical needs of ROBERT DAVILA, & fails to implement practices that prevent being deliberately indifferent & or grossly negligent to the medical needs of pretrial detainees. C.)

LASALLE CORRECTIONS MEDICAL DEPARTMENT, NURSE ?. NIXON, & UNKNOWN NURSES, 3101 EAST MARLIN HIGHWAY WACO, TEXAS 76705.

Committed acts of being indifferent & negligent to the medical needs of ROBERT DAVILA & fails to implement practices that prevent being deliberately indifferent or grossly negligent to the medical needs of pretrial detainees while operating & or acting in the capacity of providing medical care for detainees.

EVENTS

5.

ON JANUARY 29TH 2019 the Plaintiff was physically & verbally assaulted by Officer R.PYLES during a Use Of Force. The Plaintiff was talking to Officer ? MASON in in non aggressive manner when SGT. R. MILLS when he gave a verbal command to Officer ? MASON to " TAKE HIM DOWN " . Officer MASON was puzzled & questioned his Superior Officer verbally, but still took the Plaintiff by the arm & placed him on the wall to be hand cuffed. Officer R. PLYES then jumped in slammed the Plaintiff head against the

wall over & over again while verbally assaulting the Plaintiff with “ GO DOWN LITTLE BITCH ” again while Officer ? PREFONTAINE kicked the Plaintiff legs from under him .

Officer ? MASON then demanded the SGT. Instruct the two Officers assaulting the Plaintiff be removed so that he could restrain the Plaintiff peacefully. By this time Officer ? PREFONTAINE had his knee on the back of the Plaintiff head & face pressing down with all his body weight & constantly raised it up & down with deadly force.

Plaintiff was then taken to medical & made to wait over 30 minutes before LT. C ROWE called on the walkie talkie to get my Pre Seg medical stats done.

I was then placed in a Seg cell where I blacked out multiple times during the course of the night. After contacting the Control Officer C. Brown for medical attention & being ignored by the staff. I then took matters in to my own hands & acted like I was trying to kill myself by placing a razor blade in my mouth, just to get to medical. Those 3 days spent in medical still did not get the Plaintiff any attention, & to this day Plaintiff still has blackout spells from this event.

CLAIMS

6.

CLAIM ONE, CLAIM TWO , CLAIM THREE, : DEFENDANT LASALLE violated

the Plaintiffs 14th Amendment to the UNITED STATES CONSTITUTION by failing to implement policy & or practices within its facility that prevents its agents from being grossly negligent or deliberately indifferent or grossly negligent to the medical needs of pretrial detainees housed within its facilities.

CLAIM FOUR : DEFENDANT violated the Plaintiffs 14th Amendment to the UNITED STATES CONSTITUTION & Article 1 Section 19 of the TEXAS CONSTITUTION & Article 1 Section 19 of the TEXAS CONSTITUTION when these Defendants were grossly negligent to the Plaintiffs medical needs in question, & made him suffer more than 3 days & counting with out any medical attention & or treatment.

RELIEF REQUESTED

7.

PLANTIFF seeks declaratory judgment against all the DEFENDANTS named as parties in this action.

PLANTIFF seeks damages in the amount of 5,000,000.00 \$ for the emotional, mental, physical & psychological harm suffered.

PLANTIFF also seeks compensation for filing fees, court cost, & attorney fees, as well as Punitive Damages in the amount deemed appropriate by a jury, but a sum beginning at 2,000,000.00 \$

I, the undersigned PLAINTIFF, ROBERT DAVILA, hereby certify, verify & state under the penalty of perjury that the foregoing is true & correct pursuant to Title 28 USC Section 1746.

EXEUCTED ON MARCH 4TH, 2019


RESPECTFULLY SUBMITTED,

PRO- SE DEFENDANT

ROBERT DAVILA #0146996

3101 E. MARLIN HWY

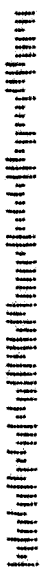
WACO, TEXAS 76705

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SIGNATURE

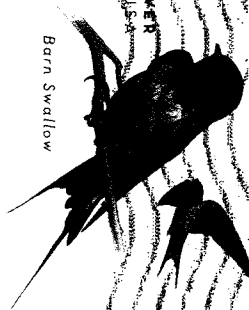
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